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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,534	06/25/2003	Alexandre Bronstein	BRONSTEIN.001	4130
7590 06/13/2006 PAUL HORSTMANN 706 TENTH STREET HERMOSA BEACH, CA 90254			EXAMINER KHAN, SUHAIL	
			ART UNIT	PAPER NUMBER

2617

DATE MAILED: 06/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/603,534		BRONSTEIN, ALEXANDRE	
	<b>Examiner</b>		<b>Art Unit</b>	
	Suhail Khan		2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 April 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-9 and 21-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 21-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 9, 21-24, 26-29 and 31 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6650742 to Elliott et al in view of U.S. Patent App. Pub. No. 2001/0016507 to Karusawa.

Referring to claim 1, Elliott et al disclose a method for defense against an unwanted communication (col 1, lines 52-55, penalizing service, annoying voice call), comprising: identifying a communication channel to beneficiary of the unwanted communication by examining a content of the unwanted communication (col 1, lines 56-60, identifies a caller associated with a call) and striking back against the beneficiary (col 1, lines 60-65, charge the caller). Elliot et al do not disclose striking back against the beneficiary by sending a communication via the communication channel to the beneficiary. The examiner maintains that the concept of striking back against the beneficiary by sending a communication via the communication channel to the beneficiary was well known in the art as taught by Karusawa.

In a similar field of endeavor, Karusawa shows identifying the call originator and sending back communication (page 3, paragraph 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al, to show a method for defense against an unwanted

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communication, comprising: identifying a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication; striking back against the beneficiary by sending a communication via the communication channel to the beneficiary, as taught by Karusawa, the motivation being acknowledging and responding to a call originator (Karusawa, page 1, paragraph 12).

Referring to claim 2, Elliott et al disclose the method of claim 1, wherein sending a communication via the communication channel that includes a request that the beneficiary cease further unwanted communications to a recipient of the unwanted communication (col 1, lines 52-55, penalizing service, it is inherent that the penalizing service is an indication that the recipient is asking the sender to cease further unwanted communication). Elliot et al do not disclose sending a communication via the communication channel to the beneficiary. The examiner maintains that the concept of sending a communication via the communication channel to the beneficiary was well known in the art as taught by Karusawa.

In a similar field of endeavor, Karusawa shows identifying the call originator and sending back communication (page 3, paragraph 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al, to show sending a communication via the communication channel to the beneficiary comprises sending a communication via the communication channel that includes a request that the beneficiary cease further unwanted communications to a recipient of the unwanted communication, as taught by Karusawa, the motivation being acknowledging and responding to a call originator (Karusawa, page 1, paragraph 12).

Referring to claim 3, Elliott et al disclose the method of claim 1, wherein repeatedly sending the communication in accordance with a set of strike back parameters (col 1, lines 60-65, charge the caller; also, col 5, lines 50-55, fine is chosen; col 1, lines 60-65, charge the caller). Elliot et al do not disclose sending a communication via the communication channel to the beneficiary. The examiner maintains that the concept of sending a communication via the communication channel to the beneficiary was well known in the art as taught by Karusawa.

In a similar field of endeavor, Karusawa shows identifying the call originator and sending back communication (page 3, paragraph 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al, to show sending a communication via the communication channel to the beneficiary comprising repeatedly sending the communication in accordance with a set of strike back parameters, as taught by Karusawa, the motivation being acknowledging and responding to a call originator (Karusawa, page 1, paragraph 12).

Referring to claim 4, Elliott et al disclose the method of claim 3, further comprising adjusting a cost imposed on the beneficiary with the communication by adjusting the strike back parameters (col 1, lines 60-65, charge the caller; also, col 5, lines 50-55, fine is chosen).

Referring to claim 5, Elliott et al disclose the method of claim 1, wherein identifying comprises identifying a money input channel used by the beneficiary to obtain a benefit (col 1, lines 56-60, identifies a caller; col 1, lines 60-65, charge the caller).

Referring to claim 6, Elliott et al disclose the method of claim 1, wherein identifying comprises calling a phone number contained in the unwanted communication (col 4, lines 11-13, directory number corresponding to a voice call).

Referring to claim 9, Elliott et al disclose the method of claim 1, wherein identifying comprises performing a pattern match on a text of the unwanted communication (col 3, lines 10-14, predetermined set of conditions).

Referring to claim 21, Elliott et al disclose a defense coordinator (col 1, lines 52-55, penalizing service) that obtains an identify request from a recipient of an unwanted communication and that in response identifies a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication (col 1, lines 56-60, identifies a caller associated with a call) and that performs a strike back against the beneficiary (col 1, lines 60-65, charge the caller). Elliot et al do not disclose that the strike back is performed by sending a communication via the communication channel to the beneficiary. The examiner maintains that the concept of strike back being performed by sending a communication via the communication channel to the beneficiary was well known in the art as taught by Karusawa.

In a similar field of endeavor, Karusawa shows identifying the call originator and sending back communication (page 3, paragraph 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al, to show a defense coordinator that obtains an identify request from a recipient of an unwanted communication and that in response identifies a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication and that performs a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary, as taught by Karusawa, the

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motivation being acknowledging and responding to a call originator (Karusawa, page 1, paragraph 12).

Referring to claim 22, Elliott et al disclose the defense coordinator (col 1, lines 52-55, penalizing service) of claim 21, wherein the communication includes a request that the beneficiary cease further unwanted communications to the recipient (col 1, lines 52-55, penalizing service, it is inherent that the penalizing service is an indication that the recipient is asking the sender to cease further unwanted communication).

Referring to claim 23, Elliott et al disclose the defense coordinator (col 1, lines 52-55, penalizing service) of claim 21, wherein the communication channel is a money input channel used by the beneficiary to obtain a benefit (col 1, lines 56-60, identifies a caller; col 1, lines 60-65, charge the caller).

Referring to claim 24, Elliott et al disclose the defense coordinator (col 1, lines 52-55, penalizing service) of claim 21, wherein the defense coordinator maintains a set of information pertaining to the beneficiary and determines a set of strike back parameters in response to the information and repeatedly performs the strike back in accordance with the strike back parameters (col 1, lines 60-65, charge the caller; also, col 5, lines 50-55, fine is chosen).

Referring to claim 26, Elliott et al disclose a distributed strike back system comprising: recipient system of an unwanted communication (col 1, lines 52-55, penalizing service, annoying voice call); defense coordinator that obtains an identify request from the recipient system and that in response determines a set of strike back parameters that identify a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication (col 1, lines 56-60, identifies a caller associated with a call) and that sends the



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strike back parameters to the recipient system (col 1, lines 60-65, charge the caller; also, col 5, lines 50-55, fine is chosen). Elliot et al do not disclose that the recipient system performs a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary. The examiner maintains that the concept of the recipient system performing a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary was well known in the art as taught by Karusawa.

In a similar field of endeavor, Karusawa shows identifying the call originator and sending back communication (page 3, paragraph 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al, to show a distributed strike back system, comprising: recipient system of an unwanted communication; defense coordinator that obtains an identify request from the recipient system and that in response determines a set of strike back parameters that identify a communication channel to a beneficiary of the unwanted communication by examining a content of the unwanted communication and that sends the strike back parameters to the recipient system such that the recipient system performs a strike back against the beneficiary by sending a communication via the communication channel to the beneficiary, as taught by Karusawa, the motivation being acknowledging and responding to a call originator (Karusawa, page 1, paragraph 12).

Referring to claim 27, Elliott et al disclose the distributed strike back system (col 1, lines 52-55, penalizing service) of claim 26, wherein the communication includes a request that the beneficiary cease further unwanted communications to the recipient system (col 1, lines 52-55,



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penalizing service, it is inherent that the penalizing service is an indication that the recipient is asking the sender to cease further unwanted communication).

Referring to claim 28, Elliott et al disclose the distributed strike back system (col 1, lines 52-55, penalizing service) of claim 26, wherein the communication channel is a money input channel used by the beneficiary to obtain a benefit (col 1, lines 56-60, identifies a caller; col 1, lines 60-65, charge the caller).

Referring to claim 29, Elliott et al disclose the distributed strike back system (col 1, lines 52-55, penalizing service) of claim 26, wherein the defense coordinator maintains a set of information pertaining to the beneficiary and determines the strike back parameters in response to the information such that the strike back parameters specify an intensity of the strike back against the beneficiary (col 1, lines 60-65, charge the caller; also, col 5, lines 50-55, fine is chosen).

Referring to claim 31, Elliott et al disclose the distributed strike back system (col 1, lines 52-55, penalizing service) of claim 26, wherein defense coordinator identifies the communication channel by performing a pattern match on a text of the unwanted communication (col 3, lines 10-14, predetermined set of conditions).

3. Claims 7-8, 25 and 30 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6650742 to Elliot et al, in view of U.S. Patent App. No. 2002/0004800 to Kikuta et al.

Referring to claim 7, Elliot et al disclose the identifying method of claim 1 (col 1, lines 56-60, identifies a caller). Elliot et al do not disclose that the method comprises accessing a website specified in the unwanted communication. However, Kikuta et al show website browsing (page 7, paragraph 109, browse a web site). Therefore, it would have been obvious to one of

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ordinary skill in the art at the time of the invention to modify Elliot et al to show identifying comprises accessing a website specified in the unwanted communication, as taught by Kikuta et al, the motivation being directing the bill to the appropriate caller (Elliot et al, col 1, lines 61-65).

Referring to claim 8, Elliot et al disclose the identifying method of claim 7 (col 1, lines 56-60, identifies a caller). Elliot et al do not disclose the method comprises exploring a web site specified in the unwanted communication to find a web page that is financially important to the beneficiary. However, Kikuta et al show website browsing (page 7, paragraph 109, browse a web site; it is also inherent that the website related to the unwanted communication will itself be or will contain information regarding the parent website which would be financially responsible). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al to show identifying comprises exploring a web site specified in the unwanted communication to find a web page that is financially important to the beneficiary, as taught by Kikuta et al, the motivation being directing the bill to the appropriate caller (Elliot et al, col 1, lines 61-65).

Referring to claims 25 and 30, Elliott et al disclose the defense coordinator (col 1, lines 52-55, penalizing service) of claim 24. Elliot et al do not disclose that the defense coordinator generates a web page that enables the beneficiary to stop the strike back. However, Kikuta et al show website browsing and requesting a key ID (page 7, paragraph 109, browse a web site). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Elliot et al to show that the defense coordinator generates a web page that enables the beneficiary to stop the strikeback, as taught by Kikuta et al, the motivation being directing the bill to the appropriate caller (Elliot et al, col 1, lines 61-65).

*Response to Arguments*

4. Applicant's arguments filed 4/18/2006 have been fully considered but they are not persuasive. Applicant argues that prior art does not disclose examining a content of the unwanted communication. Examiner respectfully disagrees. In col 1, lines 55-60, Elliot et show identifying a caller 'associated with a call'. This shows that the call was examined to identify the caller.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Suhail Khan whose telephone number is (571) 272-7910. The examiner can normally be reached on M-F from 8 am to 4:30 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Field, can be reached at (571) 272-4090.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

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may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

sk

  
ERIKA A. GARY  
PRIMARY EXAMINER